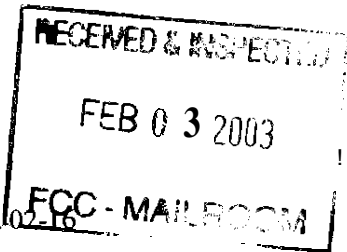


Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Parts 2, 73, 74, 80, 90, and 97 of)
the Commission's Rules to Implement Decisions)
from World Radiocommunication Conferences)
Concerning Frequency Bands Below 28000 kHz)

ET Docket No. 02-16



REPORT AND ORDER

Adopted: February 25, 2003

Released: March 3, 2003

By the Commission:

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APPENDIX A: FINAL REGULATORY FLEXIBILITY ANALYSIS

APPENDIX B: FINAL RULES

I. INTRODUCTION

1. By this action, we are amending Parts 2, 73, **74**, 80, 90, and 97 of our Rules to implement domestically various allocation decisions from International Telecommunication Union ("ITU") World Radiocommunication Conferences' concerning the frequency bands below 28000 kilohertz ("kHz").² This proceeding was initiated on our own motion and in response to a request from the National Telecommunications and Information Administration ("NTIA") to implement international allocation changes that had not previously been addressed.'

2. The most significant action taken here is the reallocation of several bands of high frequency ("HF")⁴ spectrum from the fixed and mobile services' to the broadcasting service.⁶ The long-range propagation characteristics of HF frequencies enable audio programs to be received directly by the general public in countries far from the country of origin, and thus high frequency broadcasting ("HFBC") is also known as international broadcasting. Specifically, we are making an additional 1640 kilohertz of spectrum available exclusively for use by international broadcast stations, with 850 kilohertz immediately available and the remainder available after a transition period that ends **April 1, 2007**. Until the completion of the transition period, fixed and mobile stations will be allowed to continue to operate on a primary basis; after that date, these stations will be allowed to continue to operate on the condition that "harmful interference" is not caused to the broadcasting service.' This action significantly increases the

¹ These ITU conferences were the 1992 World Administrative Radio Conference ("WARC-92") and the 1995, 1997, and 2000 World Radiocommunication Conferences ("WRC-95," "WRC-97," and "WRC-2000," respectively). See *Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC-92)*, Malaga-Torremolinos, 1992 ("WARC-92 Final Acts"); *Final Acts of the World Radiocommunication Conference (WRC-95)*, Geneva, 1996 ("WRC-95 Final Acts"); *Final Acts of the World Radiocommunication Conference (WRC-97)*, Geneva, 1997 ("WRC-97 Final Acts"); and *Final Acts of the World Radiocommunication Conference (WRC-2000)*, Istanbul, 2000 ("WRC-2000 Final Acts").

² 28000 kHz may also be referred to as 28 megahertz ("MHz"). To be consistent with the nomenclature in the portion of the Table of Frequency Allocations, 47 C.F.R. § 2.106, that addresses this frequency range, frequencies are being expressed in terms of kilohertz herein. International allocation decisions concerning frequency bands above 28000 kHz will be considered in separate rulemakings.

³ *Notice of Proposed Rule Making and Order*, 17 FCC Red 2728 (2002) (*Notice*). As part of the *Notice*, we included an Order stating that the Commission would no longer accept applications for new licenses or for modifications or renewals of existing licenses for frequencies in the 1605-1705 kHz band, to prevent the licensing of Industrial/Business Pool stations (which no longer have an allocation in the **AM** Expanded Band) during the pendency of this proceeding. Applicants with such pending applications were given the opportunity to specify other frequencies. See *Notice, supra* at 2741. See Letter to Chief, Office of Engineering and Technology, FCC, from Acting Associate Administrator, Office of Spectrum Management, **NTIA, U.S. Department of Commerce**, dated June 10, 1998, pp. 25, 27, 30, 31, 34, 36, 38, and 40.

⁴ The frequency range from 3000 kHz to 30000 kHz is denoted as HF. See 47 C.F.R. § 2.101. It is often called the shortwave frequency range, and expressed in wavelengths, it lies between 100 meters and 10 meters. Thus, international broadcasting in this frequency range is also known as shortwave broadcasting.

⁵ The fixed service is defined as a radiocommunication service between specified fixed points; a station in the fixed service is a fixed station. The mobile service is defined as a radiocommunication service between mobile and land stations, or between mobile stations. See 47 C.F.R. § 2.1.

⁶ The broadcasting service is defined as a radiocommunication service in which the transmissions are intended for direct reception by the general public. *id.* While this service may include sound transmissions, television transmissions or other types of transmissions, the narrow channel bandwidth assignments made in the HF bands limit broadcasting to sound transmissions.

⁷ Interference is the effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or

(continued....)

amount of spectrum available to international broadcasters on a worldwide basis, thus facilitating the sharing of information and entertainment by people throughout the world. In addition, we are updating the Commission's rules for international broadcast stations (Part 73, Subpart F) in order to add the new frequency bands and to otherwise conform to international regulations.

3. We are also making various minor amendments to the United States Table of Frequency Allocations ("U.S. Table") and to several of our service rules. First, we are clarifying the status of land mobile and radiolocation services operating in the **AM** Expanded Band (1605-1705 kHz), particularly, by removing service rules for allocations that are no longer available. We are also permitting stations in the Part 90 Industrial/Business Pool of the private land mobile service and radiolocation service that are assigned frequencies in the band 1605-1705 kHz to continue to operate until the end of their current license term on a non-interference basis ("**NIB**") to AM radio stations and travelers' information stations ("TIS"), without an opportunity for renewal. In addition, we are permitting remote pickup broadcast stations to continue to operate in the band 26100-26175 kHz; removing outdated regulations in the aeronautical **fixed** and amateur radio services; and making new frequencies available for forest product licensees in limited geographic areas of the country. The actions herein will update our Rules for frequency bands below 28000 kHz so that they are more consistent with international regulations, update various rule parts to effect the allocation changes, and otherwise update rules that have not recently been reviewed. Only one comment was filed, and it supported certain aspects of the *Notice*.⁸

II. DISCUSSION

A. International Broadcast Frequencies

4. In the United States, international broadcast stations transmit on frequencies between 5950 kHz and 26100 kHz.⁹ Numerous factors affect the reception of these transmissions, including atmospheric changes that vary with the time of day, climate, and atmospheric noise, as well as co-channel and adjacent channel interference from other international broadcast stations around the world. Unlike other broadcasting services where frequencies are assigned on a permanent basis, international broadcasters are assigned frequencies on a seasonal basis to account for changes in propagation conditions, changing programming needs, and interference conditions.

5. Though most international broadcast stations are operated by national governments, HFBC service originating in the United States is provided by both U.S. Government-operated¹⁰ and privately-operated stations."

(...continued from previous page)

loss of information which could be extracted in the absence of such unwanted energy. Harmful interference is interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with the ITU *Radio Regulations*. *Id.*

⁸ One comment was filed jointly by Herald Broadcasting Syndicale, licensee of International Broadcast Station WSHB, and The National Association of Shortwave Broadcasters.

⁹ See 47 C.F.R. § 73.701. This regulation is grounded in the general sub-section of Article 23 of the ITU *Radio Regulations* describing the broadcasting service. See ITU *Radio Regulations*, Edition of 1998 ("ITU Radio Regulations"), Article 23, No. 23.3.

¹⁰ All U.S. Government and U.S. Government sponsored, non-military, international broadcasting has recently been consolidated under the Broadcasting Board of Governors ("BBG"). BBG's HF broadcasters are the Voice of America, Radio Free Europe/Radio Liberty, Radio Marti, and Radio Free Asia. See 1998 Foreign Affairs Reform and Restructuring Act (Public Law 105-277). For more information, see the "International Broadcasting Bureau"

(continued...)

6. Internationally, 2930 kilohertz of spectrum¹² in eight HF frequency bands are currently available to the broadcasting service on a primary, exclusive basis.” Table 1 summarizes the international allocations for HF broadcasting that are now available internationally. Several of these bands were reallocated from the fixed service to HFBC at the 1979 World Administrative Radio Conference (“WARC-79”). In the *Notice*, the Commission proposed to delete the fixed service allocation from those bands to make that spectrum available exclusively to the broadcasting service in the United States. Additionally, the Commission proposed to implement domestically the 1992 World Administrative Radio Conference (“WARC-92”) reallocation of 790 kilohertz¹⁴ of additional spectrum in ten HF bands listed in Table 2 from the fixed and mobile services to the broadcasting service on a primary basis throughout the world, effective April 1, 2007.¹⁵ It further proposed to add the WARC-79 and WARC-92 international broadcast bands to Part 73, Subpart F of the Rules.¹⁶ Consistent with international footnote 5.147, the Commission proposed to adopt a new United States footnote that would allow U.S. Government agencies to continue operating **fixed** stations in the bands 9775-9900 kHz, 11650-11700 kHz, and 11975-12050 kHz on the condition that harmful interference is not caused to the broadcasting service.”

(...continued from previous page)

webpage at <http://www.ibt.gov/>. IBT is a Federal agency that is a member of the National Telecommunications and Information Administration's (“NTIA's”) Interdepartment Radio Advisory Committee (“IRAC”).

¹¹ The Commission licenses international broadcast stations to private entities under Part 73, Subpart F of its Rules. See 41 C.F.R. Part 73, Subpart F--International Broadcast Stations. For more information, see the “FCC HF Broadcasting Page” at http://ftp.fcc.gov/ib/sand/neg/hf_web/hf.html.

¹² Prior to January 1, 1999, 2080 kilohertz of exclusive HFBC spectrum was allocated on a worldwide basis. This HFBC spectrum was divided into 207 channels, with the assumption of a 10 kilohertz spacing between HFBC channels in the same geographic area. These allocations have previously been added to Part 73, Subpart F of our Rules. On January 1, 1999, an additional 850 kilohertz of exclusive HFBC spectrum became available on a worldwide basis. On April 1, 2007, another 790 kilohertz of exclusive HFBC spectrum is planned to become available on a worldwide basis. Thus, by adopting these allocations domestically, there will ultimately be a 79% increase in exclusive HFBC spectrum, which would be divided into an additional 160 channels.

¹³ See *Notice, supra* at 2732. In addition, the band 7100-7300 kHz is allocated to the broadcasting service on an exclusive basis in ITU Region 1 and Region 3. The ITU divides the world into three geographic Regions. The United States is in Region 2, which includes North and South America. In Region 2, the band 7100-7300 kHz is allocated to the amateur service on a primary basis, but its use “shall not impose constraints on the broadcasting service intended for use within Region 1 and Region 3.” See 47 C.F.R. § 2.106, international footnote 5.142. See 47 C.F.R. § 2.104 for the official definition of the three ITU Regions.

¹⁴ In the *Notice*, this amount was misstated as 690 kilohertz; see *Notice, supra* at 2732. Because of this error, the *Notice* also misstated the additional amount of spectrum proposed to be made available for exclusive use by international broadcast stations as 1.540 kHz, rather than 1640 kHz; see *Notice, supra* at 2729.

¹⁵ *Id.*, at 2732.

¹⁶ *Id.*, at 2736.

¹⁷ *Id.*, at 2736.

Table 1: Exclusive International HFBC Allocations, Effective January 1, 1999

HFBC bands available prior to WARC-79	HFBC bands added at WARC-79, which became exclusive on January 1, 1999 ¹⁸	HFBC bands now available for world-wide use (sum of columns 1 & 2)
5950-6200 kHz		5950-6200 kHz
9500-9775 kHz	9775-9900 kHz	9500-9900 kHz
11700-11975 kHz	11650-11700 and 11975-12050 kHz	11650-12050 kHz
	13600-13800 kHz	13600-13800 kHz
15100-15450 kHz	15450-15600 kHz	15100-15600 kHz
17700-17900 kHz	17550-17700 kHz	17550-17900 kHz
21450-21750 kHz	21750-21850 kHz	21450-21850 kHz
25600-26100 kHz ¹⁹		25670-26100 kHz

Table 2: Exclusive International HFBC Allocations, Effective April 1, 2007

HFBC Bands as of January 1, 1999	HFBC Bands added at WARC-92, which become effective on April 1, 2007	Transition Plan Footnotes	Worldwide HFBC Bands (Sum of Columns 1 & 2)
5950-6200 kHz	5900-5950 kHz	5.136	5900-6200 kHz
	7300-7350 kHz	5.143	7300-7350 kHz ²⁰
9500-9900 kHz	9400-9500 kHz	5.146, 5.147	9400-9900 kHz
11650-12050 kHz	11600-11650 and 12050-12100 kHz	5.146, 5.147	11600-12100 kHz
13600-13800 kHz	13570-13600 and 13800-13870 kHz	5.151	13570-13870 kHz
15100-15600 kHz	15600-15800 kHz	5.146	15100-15800 kHz
17550-17900 kHz	17480-17550 kHz	5.146	17480-17900 kHz
	18900-19020 kHz	5.146	18900-19020 kHz
21450-21850 kHz			21450-21850 kHz
25670-26100 kHz			25670-26100 kHz

7. In the *Notice*, the Commission proposed to maintain the existing direct U.S. Table allocations to the fixed and mobile services in the WARC-92 HFBC bands until the transition of the WARC-92 HFBC bands to exclusive broadcast use ends on April 1, 2007. This proposal was made at the request of NTIA, as indicated above, to highlight the existing use of these bands.²¹ The Commission also proposed to adopt a new United States footnote in place of international footnotes 5.136, 5.143, 5.146, and 5.151 which address the transition of the WARC-92 bands to HFBC use.²²

¹⁸ These bands were allocated to the broadcasting service at the 1979 World Administrative Radio Conference ("WARC-79") and thus are known as WARC-79 HFBC bands; however, broadcasting use of these bands was on the basis that it does not cause harmful interference to the fixed service until the incumbent fixed stations could be relocated. See *Final Acts of the World Administrative Radio Conference, Geneva, 1979 ("WARC-79 Final Acts")*, international footnote 531. At WRC-95, the WARC-79 HFBC allocations were made effective on an interim basis from January 1, 1996, taking into account that fixed service use of the WARC-79 bands could continue as described in footnote 5.148. See *WRC-95 Final Acts*, Resolution 529. At WRC-97, international footnote 5.148 was deleted to discontinue fixed service use of the WARC-79 bands, effective January 1, 1999. See *WRC-97 Final Acts*, Article 59.

¹⁹ At WARC-79, the band 25600-25670 kHz was reallocated from the broadcasting service to the radio astronomy service. See ¶ 14. *infra*.

²⁰ In addition, the band 7100-7300 kHz is allocated to the broadcasting service on an exclusive basis in ITU Region 1 and Region 3.

²¹ There are 1533 U.S. Government and 205 non-U.S. Government assignments in the WARC-92 HFBC bands

²² See *Notice*, *supra* at 2737

8. The Commission further proposed to cease issuing licenses for new non-U.S. Government stations in the fixed and mobile services in the WARC-92 HFBC bands on April 1, 2007, consistent with the proposed allocation changes for these services.” To implement this change in bands shared with the maritime services, the *Notice* proposed to add informational notes to Part 80 (the maritime service rules), slating that radioprinter use of the bands 5900-5950 kHz and 7300-7350 kHz and Alaska private-fixed station use of frequency 11601.5 kHz will be on the condition that harmful interference is not caused to HFBC.²⁴

9. In the *Notice*, the Commission proposed to make amendments to the regulations for international broadcast stations in Part 73, Subpart F of the Commission’s Rules to conform to current international provisions.” Specifically, the Commission proposed to amend Section 73.756(c) by revising the frequency tolerance of 0.0015 percent of the assigned frequency to the current ITU standard of 10 hertz.²⁶ It also proposed to revise various HFBC definitions in Section 73.701 of the Rules to reflect international requirements as specified in the 1997 World Radiocommunications Conference (“WRC-97”) Final Acts.²⁷ Specifically, the Commission proposed in the *Notice* to revise definitions for international broadcast stations, coordinated universal time (UTC), day, schedule **A**, and schedule **B**. To protect radio astronomy operations, the Commission proposed to delete the band 25600-25670 kHz from the list of frequencies available to HFBC stations in Part 73 of the Rules. This proposal would conform our Rules to the ITU’s Table of Frequency Allocations, and the band is not currently being used by HFBC stations. Also, the Commission proposed to clarify the manner in which the 7100-7300 kHz band may be used by international broadcast stations by removing outdated cross references to the ITU *Radio Regulations* and instead adding cross references to the Commission’s Rules. Additionally, it proposed to replace the map depicting geographical zones for areas of reception (“target zone map”) in Section 73.703 with the current ITU target zone map.²⁸ Finally, the Commission proposed to modify the last sentence of Section 73.766 to change the highest modulating frequency from 5 kilohertz to 4.5 kilohertz to reflect a long-standing international provision.²⁹

10. Comments. Herald Broadcasting Syndicate, licensee of International Broadcast Station WSHB (“WSHB”) and The National Association of Shortwave Broadcasters (“NASB”) commented jointly on the proposals that were made regarding Part 73, Subpart F.³⁰ WSHB/NASB did not, however, comment on any of the allocation changes that the Commission proposed for international broadcast frequencies, nor did any other party. WSHB/NASB support amending Section 73.756(c) of the Rules regarding frequency tolerances for HFBC operation. However, they also express concern that the tighter tolerance will be a hardship, both technically and economically, to international broadcast stations that operate with older transmitters. They state that, in most instances, the international broadcast stations are non-profit, operate on a very conservative budget, and their transmitters are generally not designed to meet a high standard of tolerance. WSHB/NASB suggest that the Commission strongly consider

²³ *Id.*, at 2737.

²⁴ *Id.*, at 2738

²⁵ *Id.*, at 2739

²⁶ *Id.*

²⁷ *Id.* See 47 C.F.R. §§ 73.701 (g)-(l).

²⁸ Area of reception (“target zone map”) is defined as any geographic area smaller than a **zone** of reception in which the reception of particular programs is specifically intended and in which broadcast coverage is contemplated, such areas being indicated by countries or parts of countries. See 47 C.F.R. § 73.701

²⁹ *Id.*, at 2740.

³⁰ See Comments of WSHB and NASB

grandfathering transmitters built before January 1, 1989 to the old frequency tolerance standard of 0.0015 percent of the assigned frequency. They argue that in most cases this would not adversely affect the overall effectiveness of any broadcaster. They support our proposals to revise the HFBC definitions in Section 73.701, delete the broadcast band 25600-25670 kHz, and replace the map in Section 73.703 with the current ITU target zone map. They also support revising Section 73.702(f)(2) to remove the outdated cross-reference to the ITU *Radio Regulations*, but submit that use of the 7100-7300 kHz band by broadcasters and amateurs in different regions still needs to be resolved internationally. Also, they support our proposal to require that transmitters maintain a maximum modulating frequency of 4.5 kHz. In this regard, they state that there are sufficient audio shaping devices available today to allow the majority of older transmitters to be able to meet this requirement and conform to international standards. Finally, the Broadcasting Board of Governors ("BBG") request that the Commission not adopt international footnote 5.134 domestically." BBG argues that adopting this footnote, which limits the use of the WARC-92 HFBC bands to more spectrum efficient technologies such as single-sideband ("SSB") emissions as recommended by the ITU-R, would limit flexibility and increase the cost of equipment.

11. Decision. We find that implementing the allocation changes from WARC-79 and WARC-92 concerning HFBC will significantly increase the amount of spectrum available for HFBC, and conform to international regulations. This will promote national interest around the world and increase the international communications provided by HFBC.

12. In order to provide for more effective use of the WARC-79 HFBC bands, we are adopting our proposal to delete the fixed service allocation from the WARC-79 HFBC bands to make these bands available exclusively to the broadcasting service. We are also adding these bands to our rules for international broadcast stations. These actions will provide international broadcasters with an additional 850 kilohertz of exclusive spectrum.³² We anticipate that this will permit more HFBC stations to operate without interference from other services. To permit U.S. Government agencies to continue operating existing fixed stations on a non-harmful interference basis in three of the WARC-79 HFBC bands, we are adopting footnote US367. US367 will read as follows:

US367 On the condition that harmful interference is not caused to the broadcasting service, frequencies in the bands 9775-9900 kHz, 11650-11700 kHz, and 11975-12050 kHz may be used by U.S. Government stations in the fixed service communicating within the United States and its insular areas that are authorized as of [effective date for the Report and Order]. Each such station shall be limited to a total radiated power of 24 dBW.

13. We are maintaining the existing Table allocations to the fixed and mobile services until the transition of the WARC-92 HFBC bands to the broadcasting service becomes effective on April 1, 2007. We anticipate that fixed and mobile use will continue to be the main use of these bands in the United States until the transition occurs. Accordingly, we are allocating this 790 kilohertz of spectrum to the broadcasting service on a shared primary basis with existing fixed and mobile services. Since we are maintaining the U.S. Table allocations for the fixed and mobile services, we are adopting a new U.S. footnote 366 to address the transition of these bands from fixed and mobile use to broadcasting use rather than international footnotes 5.136, 5.143, 5.146, and 5.151. After the 2007 transition date, we will allow incumbent fixed and mobile operations to continue to use the bands only within the United States on a non-harmful interference basis. US366 will read as follows:

³¹ See Notice, *supra* at 2738.

³² As indicated in the Notice, there are no non-U.S. Government fixed operations in the WARC-79 HFBC bands, so the removal of this allocation will not impact incumbent operations.

US366 On April 1, 2007, the bands 5900-5950 kHz, 7300-7350 kHz, 9400-9500 kHz, 11600-11650 kHz, 12050-12100 kHz, 13570-13600 kHz, 13800-13870 kHz, 15600-15800 kHz, 17480-17550 kHz, and 18900-19020 kHz shall be allocated exclusively to the broadcasting service. Beginning April 1, 2007, frequencies in these bands may be used by stations in the fixed and mobile services, communicating only within the United States and its insular areas, on the condition that harmful interference is not caused to the broadcasting service. When using frequencies for fixed and mobile services, licensees shall be limited to the minimum power needed to achieve communications and shall take account of the seasonal use of frequencies by the broadcasting service published in accordance with Article 12 of the ITU *Radio Regulations*.

14. Consistent with changes being made to the allocation of the WARC-92 HFBC bands, we will cease to issue licenses for new non-U.S. Government stations in the fixed and mobile services on April 1, 2007. We are adding informational notes to Part 80 (the maritime service rules) stating that radioprimer use of the bands 5900-5950 kHz and 7300-7350 kHz and Alaska private-fixed station use of the frequency 11601.5 kHz will be on the condition that harmful interference is not caused to HFBC. Finally, we agree with the BRG that limiting the use of the WARC-92 HFBC bands to **SSB** technology would limit flexibility and increase costs. **BBG** states that it is actively seeking the flexibility to use double sideband ("DSB") transmitters in the WARC-92 HFBC bands as part of the United States' preparation for the 2003 World Radiocommunication Conference ("WRC-03"). We agree with **BBG** that international broadcasters will not use **SSB** techniques because recent ITU studies demonstrate extremely limited availability of **SSB** receivers. **As** **BBG** asserts, **SSB** receivers are substantially more expensive than traditional **DSB** receivers, but do not provide any improvement in audio quality and thus, are unlikely to ever displace **DSB** receivers in the less developed nations."

15. With regard to our **rules** for international broadcast stations, the record supports the proposals set forth in the *Notice*, and we are amending those rules as proposed. These changes will update our international broadcasting rules to reflect current practices and make them consistent with the ITU *Radio Regulations*. Specifically, we are amending Section 73.756(c) of our Rules by revising the frequency tolerance of 0.0015 percent of the assigned frequency to the current ITU standard of 10 hertz. Given that there are few HFBC stations and many are non-profit, we will grandfather existing stations that do not meet the **new** standard. **Also**, we are revising HFBC definitions in Section 73.701 of our Rules to reflect international requirements as specified in the *WRC-97 Final Acts*.³⁴ Currently, the band 25600-25670 kHz is used by radio astronomy service and not by **HFBC** stations. Therefore, we are deleting this band from the list of frequencies available to HFBC stations in Part 73 of our Rules. Our Rules will now agree with the ITU Table of Frequency Allocations and, thus, protect domestic radio astronomy observations in this frequency range. We are also clarifying the manner in which the 7100-7300 kHz band is to be used by international broadcast stations by adding cross references to our Rules, and we are replacing the target zone map in Section 73.703 with the current ITU target zone map. Finally, we are modifying the last sentence in Section 73.766 by changing the highest modulating frequency from 5 kilohertz to 4.5 kilohertz to reflect a long-standing international provision.³⁵

B. **AM** Expanded Band

³³ *Id.*

³⁴ See Appendix A for the new HFBC 73.701 definitions.

³⁵ See *Final Acts of the World Administrative Radio Conference for the Planning of the HF Bands Allocated to the Broadcasting Service (HFBC-87)*, Geneva, IYX7 ("HFBC-87 Final Acts"), Final Protocol, at Appendix 45, entitled "Double-Sideband (DSB) and Single-Sideband (SSB) System Specifications in the HF Bands Allocated Exclusively to the Broadcasting Service." Appendix 45 has been re-numbered as Appendix 11. See ITU *Radio Regulations*, Appendix 11

16. In 1983, the Commission began a process to improve and revitalize the **AM** broadcast radio service that included the expansion of its available frequencies from 535-1605 kHz to include the 1605-1705 kHz band ("AM Expanded Band").³⁶ At that time, the primary fixed, land mobile, maritime mobile, aeronautical radionavigation, and radiolocation allocations were deleted from the band 1605-1705 kHz. However, the service rules for these operations, which reference frequencies in this band, were inadvertently left in place. Therefore, in the *Notice*, the Commission proposed further changes to its Rules to clear the AM Expanded Band for broadcast operations.

17. Specifically, the Commission proposed to remove the frequency references to the band 1605-1705 kHz from Parts 74 and 90 of the Rules." In conjunction with this proposal, the Commission froze non-TIS mobile authorizations in this band." It also proposed to delete the secondary status radiolocation service from this band in the U.S. Table and remove related service rules from Part 90.³⁹ While our Rules have allowed requests by radiolocation stations operating in the band 1605-1705 kHz to be relocated to the band 1900-2000 kHz, two non-U.S. Government radiolocation licensees continue to operate in this lower spectrum.⁴⁰ In the *Norice*, the Commission proposed to permit non-U.S. Industrial/Business Pool mobile and radiolocation stations in this band to continue operation until the end of their current license term on a non-interference basis ("NIB") to **AM** and **TIS** stations, without an opportunity for renewal.⁴¹ It also proposed a transition plan for Federal radiolocation operations in this band to protect **AM** radio and TIS reception.⁴² These proposals were intended to open the **AM** Expanded Band for increased domestic broadcast use, protect the technical integrity of the **AM** Expanded Band, and minimize the impact on services being removed from the band.

18. We find that the public interest would be served by adopting the proposals for this band to provide additional cleared spectrum for the **AM** broadcast service to improve the technical integrity of the service and to remove conflicting regulations from our Rules. We also note that no commenting party addressed our proposals for the **AM** Expanded Band. As proposed in the *Notice*, we are removing obsolete service rules and frequency references for Parts 74 and 90 in this band in order to prevent incompatible frequency authorizations. We are taking this action in follow-up to the Commission's

³⁶ See *Amendment of Part 2 of the Commission's Rules Regarding Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979*, General Docket No. 80-739, *Second Report and Order*, FCC 83-511, re1. December 8, 1983, 49 FR 2357 (January 19, 1984). The 117 carrier frequencies assigned to **AM** broadcast stations begin at 540 kHz and progress in 10 kilohertz steps to 1700 kHz. The ten channels in the AM Expanded Band have been designated as regional channels and are assigned for use by Class B and Class D stations. See 47 C.F.R. §§ 73.14, 73.21, 73.26. Originally, the band 1605-1615 kHz was allocated to the U.S. Government and non-U.S. Government mobile service and its use was limited to the transmission of public service information from travelers' information stations ("TIS"). The Commission later reallocated the band 1605-1615 kHz from the non-Federal Government mobile service to the broadcasting service. Non-U.S. Government TIS stations are now located between **AM** radio stations throughout the band 535-1705 kHz. In contrast, U.S. Government TIS stations remain limited to the frequencies 530 kHz and 1610 kHz.

³⁷ See *Norice*, *supra* at 2741

³⁸ *Id.*, at 2741

³⁹ *Id.*, at 2742. See 47 C.F.R. § 2.106, footnote US238. In addition to this footnote allocation, there is a secondary direct Table allocation for the radiolocation service in the U.S. Government Table.

⁴⁰ 47 C.F.R. § 90.103(c)(29) states that as of July 1, 1987, licensees of existing radiolocation systems in the sub-band 1605-1705 kHz of the band 1605-1800 kHz may request modification of their authorizations to change frequencies to the band 1900-2000 kHz.

⁴¹ See *Norice*, *supra* at 2742-43

⁴² *Id.*, at 2742

deletion of the land mobile allocation from the band 1605-1705 kHz in 1983, in which frequencies within this band were inadvertently left in place in Parts 74 and 90 of our Rules. Specifically, we are removing the frequencies 1606 kHz, 1622 kHz, and 1646 kHz from Section 74.402(a)(1); the frequency 1630 kHz from Section 90.20(c)(3); the frequencies 1614 kHz, 1628 kHz, 1652 kHz, 1676 kHz, and 1700 kHz from Section 90.35(b)(3); and the band 1605-1705 kHz from Section 90.263. Consistent with our action removing frequencies 1606 kHz, 1622 kHz, and 1646 kHz from Section 74.402(a)(1), we are also eliminating **all** references to those frequencies from Sections 74.402(a) and 74.402(e)(1) and Section 74.462(b). **As** proposed in the *Notice*, mobile TIS stations will continue to be authorized throughout the **AM** Expanded Band as specified in Part 90 and U.S. Government **TIS** stations operating on 1610 kHz will have primary status.

19. While there are currently no Public Safety or remote pickup licensees operating in the **AM** Expanded Band, four Industrial/Business Pool and two non-U.S. Government radiolocation licensees operate in this band. **As** proposed, we are permitting these currently licensed stations to continue to operate on a non-interference basis to **AM** radio and TIS stations, until the end of their current license term with no provision for renewal. If we determine that any of the stations in the Industrial/Business Pool or radiolocation service is causing interference to either an **AM** radio or TIS station, we will require that Industrial/Business or radiolocation station to immediately cease transmission. We find that there is sufficient alternative spectrum to meet the needs of licensees⁴³ affected **by** this change and the Commission's staff will work with those licensees to help them find suitable alternative channels if the licensee desires. **Also**, no application fee will be charged to licensees of affected stations that apply for a modification to obtain alternative channels before the end of their license term.

20. In order to protect the technical integrity of the ~~**AM**~~ Expanded Band, we are deleting from the **U.S.** Table the U.S. Government and non-U.S. Government secondary radiolocation allocation in the band 1605-1705 kHz. We find that these radiolocation operations can be relocated to the band 1900-2000 kHz without significant impact to current operations. Consistent with this action, we are removing the band 1605-1705 kHz from the Radiolocation Service Frequency Table in Section 90.103 of our Rules and deleting unneeded assignment limitations. Finally, we have had discussions with NTIA concerning the U.S. Government's radiolocation assignments in the sub-band 1615-1705 kHz. **NTIA** has agreed to relocate all **U.S.** Government stations currently operating in the **AM** Expanded Band. **NTIA** has also agreed to relocate all of these assignments within one year of the adoption date of this Report and Order. We are allowing these U.S. Government radiolocation stations to continue to operate during this one-year transition period on the condition that harmful interference is not caused to **AM** or TIS stations. Consistent with our agreement with **NTIA**, we are modifying footnote US238, as follows, to remove the secondary radiolocation allocation and allow U.S. Government radiolocation service to operate for one year:

US238 On the condition that harmful interference is not caused to the reception of **AM** broadcast stations or to travelers' information stations, U.S. Government stations in the band 1615-1705 kHz may continue operations until February 25, 2004.

C. Continued Use of the Frequencies 26110 kHz, 26130 kHz, 26150 kHz, and 26170 kHz by Broadcast Auxiliary Remote Pickup Stations.

⁴³ See, e.g., 47 C.F.R. § 74.402(a), wherein 26 frequencies in the band 25670-26480 kHz are available for assignment to remote pickup broadcast stations; 47 C.F.R. § 90.20(c)(3), wherein the frequencies 1722 kHz and 1730 kHz are available for assignment to Public Safety Pool eligibles; and 47 C.F.R. § 90.35(a)(3), wherein any non-U.S. Government land mobile band between 2000 and 25000 kHz is available for assignment to Industrial/Business Pool eligibles. In particular, Industrial/Business Pool eligibles should consult 47 C.F.R. §§ 90.263 and 90.266.

21. In 1983, the Commission reallocated the band 26100-26175 kHz from the land mobile service to the maritime mobile service⁴⁴ and made several frequencies in this band available for public coast stations under Part 80 of the Rules. **At** that time, the Commission inadvertently left in four land mobile frequencies within the reallocated band in Part 74 of the Rules. Section 74.402(a) of the Rules continues to state that the following frequencies may be assigned for use by remote broadcast stations and broadcast network entities: 26110 kHz, 26130 kHz, 26150 kHz, and 26170 kHz.⁴⁵ Therefore, the Commission proposed changes to footnote **US25** to allow remote pickup stations to use these frequencies on a secondary basis to public coast stations.⁴⁶ No commenter addressed our proposals for the continued use of the 26100-26175 kHz band by broadcast auxiliary remote pickup stations.

22. We are adopting our proposal to allow broadcast auxiliary stations to continue to use the band 26100-26175 kHz because use of the band by such stations is **significant**⁴⁷ and their secondary status will ensure that their operation will not hinder public coast stations. Moreover, a review of our licensing database shows that there are currently no public coast station licensees making use of these four maritime frequencies in this band. Allowing remote pickup stations in the four additional channels at 26100-26175 kHz will not impact maritime mobile operations and **will** allow for a greater use of the radio spectrum. We are revising footnote US25, which permits remote pickup broadcast stations in the 25850-26100 kHz band, to read as follows:

US25 The use of frequencies 26110 kHz, 26130 kHz, 26151 kHz, and 26172 kHz may be authorized to non-U.S. Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to the reception of either international broadcast stations transmitting in the band 25850-26100 kHz or to coast stations transmitting in the band 26100-26175 kHz.

D. Maritime Services

23. In the **Notice**, the Commission proposed to update its allocations for the maritime service which **is** governed under Part 80 of the Rules. It proposed to reclassify footnote G121 in the U.S. Table, concerning the Maritime differential global positioning system (“**DGPS**”)⁴⁸ service in the band 285-325 kHz, as a United States footnote because the band is U.S. Government/non-U.S. Government shared

⁴⁴ See *Final Acts of the World Administrative Radio Conference, Geneva*, 1979 (“WARC-79 Final Acts”), international footnote 531

⁴⁵ 47 C.F.R. § 74.402(a)

⁴⁶ See **Notice**, *supra* at 2744

⁴⁷ Our database also shows that there are 257 broadcast auxiliary stations authorized to use these channels.

⁴⁸ The U.S. Coast Guard (“USCG”) declared full operational capability of the Maritime DGPS Service on March 15, 1999. This system provides service for coastal coverage of the continental U.S., the Great Lakes, Puerto Rico, portions of Alaska and Hawaii, and portions of the Mississippi River basin. Maritime DGPS uses fixed GPS reference stations that broadcast pseudo-range corrections using maritime radiobeacons. The Maritime DGPS Service system provides radionavigation accuracy better than 10 meters for U.S. harbor entrance and approach areas. In addition, a Nationwide DGPS (“NDGPS”) Service is being established to provide coverage for all areas of the U.S. not currently covered by the USCG maritime DGPS Service. Positive Train Control, Intelligent Transportation systems, and precision agriculture are expected to receive benefits from the NDGPS Service. See 2001 *Federal Radionavigation Plan*, at pp. 1-9, 3-10, and 3-11, published by the Department of Defense and the Department of Transportation. This document is available to the public through the National Technical Information Service at www.navcen.uscg.gov/pubs/frp2001/.

spectrum.⁴⁹ Additionally, the Commission proposed to implement changes from WRC-97 that would create an additional NAVTEX⁵⁰ channel and clear spectrum for its use. Specifically, the Commission proposed to adopt international footnote 5.131 domestically, which would require that the frequency 4209.5 kHz be used exclusively for transmission by coast stations of meteorological and navigational warnings and urgent information to ships by means of narrow-band direct-printing techniques." It further proposed to adopt international footnote 5.79A domestically in order to ensure that NAVTEX operations coordinate operating characteristics in accordance with procedures of the International Maritime Organization.⁵² Finally, the Commission proposed to delete footnote US236, which would delete the fixed service allocation in the bands 4000-4063 kHz and 8100-8195 kHz, to complete the transition of those bands to the maritime mobile service.⁵³ No commenter addressed our proposals for the maritime services.

24. As stated in the *Notice*, the band 285-325 kHz is allocated for use in the United States to the maritime radionavigation service on a primary basis, limited to radiobeacons.⁵⁴ These operations have been authorized by NTIA through footnote G121 of its *Manual*, but this footnote has not previously been coordinated with the Commission. Because this is U.S. Government/non-U.S. Government shared spectrum and both U.S. Government and non-U.S. Government entities will benefit from the use of DGPS systems, we are reclassifying this footnote as a new footnote US364 to read as follows:

US364 Consistent with US18,⁵⁵ stations may be authorized on a primary basis in the band 285-325 kHz for the specific purpose of transmitting differential global positioning system information.

25. Further, as proposed in the *Notice*, we are adopting international footnote 5.131 domestically. As indicated above, this footnote will authorize NAVTEX systems to use the 4209.5 kHz frequency exclusively for the transmission by coast stations of meteorological and navigational warnings and urgent information to ships by means of narrow-band direct-printing techniques. There are no incumbent users operating at this frequency. Thus, the USCG will have unencumbered access to this frequency to operate NAVTEX as a means of improving maritime safety broadcast service to mariners, as well as filling gaps in coverage of similar information broadcasts on the International NAVTEX frequency 518 kHz.⁵⁶ Also, at the request of NTIA, we are adopting international footnote 5.79A domestically so that the operating characteristics of established stations in the NAVTEX service can be

⁴⁹ See *Notice*, *supra* at 2145; see also 47 C.F.R. § 2.106.

⁵⁰ NAVTEX is an international, automated system for providing coordinated broadcast and automatic reception of maritime navigational warnings, weather forecast and warnings, search and rescue notices and similar information by means of narrow-band direct printing telegraphy. Currently, several NAVTEX stations are operating on the frequency 518 kHz.

⁵¹ See *Notice*, *supra* at 2146

⁵² *Id.*, at 2746

⁵³ *Id.*, at 2146

⁵⁴ Navigational aids in the United States in the band 190-415 kHz are normally operated by the U.S. Government. See 47 C.F.R. § 2.106, footnote US18.

⁵⁵ 47 C.F.R. § 2.106, footnote US18 reads as follows: "Navigation aids in the US and possessions in the bands 9-14 kHz, 90-110 kHz, 190-415 kHz, 510-535 kHz, and 2700-2900 MHz are normally operated by the U.S. Government. However, authorizations may be made by the FCC for non-U.S. Government operation in these bands subject to the conclusion of appropriate arrangements between the FCC and the Government agencies concerned and upon special showing of need for service which the U.S. Government is not yet prepared to render."

⁵⁶ See Comments of the United States Coast Guard in WT Docket No. 0048, received August 23, 2000, p. 19.

coordinated by the U.S. Government with other administrations consistent with the procedures of the International Maritime Organization.

26. In February 1999, the Global Maritime Distress and Safety System ("GMDSS") took effect, and, as a result, the ITU reduced the guard band for the distress and calling frequency at 500 kHz from 20 kilohertz to 10 kilohertz.⁵⁷ The Commission has since deleted the 500 kHz frequency from its maritime rules as a distress and safety frequency, but kept this frequency available for Morse radiotelegraph functions.⁵⁸ At WRC-03, Member States will consider whether non-GMDSS requirements should be maintained in the ITU *Radio Regulations*.⁵⁹ Until WRC-03 decides whether to maintain non-GMDSS requirements, we are updating our Rules by renumbering international footnote 472 as 5.83 in the U.S. Table as proposed in the *Notice*.⁶⁰

27. Finally, with regard to our proposal to delete footnote US236, we observe that prior to WARC-79, internationally the bands 4000-4063 kHz and 8100-8195 kHz were allocated exclusively to the fixed service. In the Commission's WARC-79 implementation proceeding, footnote US236 was adopted to implement the ITU resolution addressing the transition of these bands to the maritime mobile service. However, since WARC-79 the band 4000-4063 kHz internationally is still used primarily by the fixed service and the band 8100-8195 MHz has equal use by the fixed and maritime mobile services. Further, the ITU has removed the resolution that facilitated the change of these bands to the maritime mobile service and its radio regulations maintain the fixed and maritime mobile service allocations in these bands on a co-primary basis. Therefore, we will remove US236 and reinstate the direct U.S. Table fixed service allocation for the 4000-4063 kHz and 8100-8195 kHz bands on a primary basis to match the ITU table.

28. Until WRC-03 decides whether to maintain non-GMDSS requirements, we are also renumbering international footnotes 472a and 474 as 5.82 and 5.84, respectively, in our U.S. Table to reflect ITU changes.

E. Aeronautical Fixed Service

29. Regarding the aeronautical fixed service," in the *Notice* the Commission proposed to delete the limitation on use of the 160-170 kHz band to aeronautical fixed use from our Rules because this band is currently unused by the aeronautical fixed service. This was proposed in response to decisions made at WRC-95 which removed the limitation on the use of the aeronautical fixed service allocation in

⁵⁷ See 47 C.F.R. § 80.5 and § 80.1077. GMDSS is the distress and safety system adopted by the International Maritime Organization (IMO). It is designed so that search and rescue authorities will be alerted to a distress Incident efficiently and quickly, so that they can assist in a coordinated search and rescue operation with minimal delay. GMDSS also provides maritime safety information to ships; information such as, forecasts, meteorological and navigation warnings, and other pertinent information necessary for the safety of ships.

⁵⁸ See Report and Order and Further Notice of Proposed Rule Making, 17 FCC Rcd 6760-61 at ¶ 45.

⁵⁹ See ITU Council Document C2000/88-E, Resolution 1156, Agenda Item 1.9, wherein WRC-03 will consider Appendix 13 and Resolution 331 (Rev. WRC-97) with a view to their deletion and, if appropriate, to consider related changes to Chapter VI and other provisions of the ITU *Radio Regulations*, as necessary, taking into account the continued transition and introduction of the GMDSS.

⁶⁰ See *Notice*, *supra* at 2746.

⁶¹ The aeronautical fixed service is a radiocommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air transport. See 47 C.F.R. § 87.5.

Region 2 polar areas at 160-190 kHz, thus making the band available worldwide for all fixed uses.⁶² No commenter addressed this proposal. We are adopting our proposal to remove the limitation in footnote 459 on use of the 160-190 kHz band to aeronautical fixed use and will allow all eligible fixed services to access this band. This action will bring our domestic rules in line with the *ITU Radio Regulations* and open the band for utilization of this spectrum by other potential users. We note that this band is also used by Power Line Carrier ("PLC") systems, which are important to the reliability and security of electric service to the public. We note that the aeronautical limitation for the fixed service we are lifting only affects Region 2 polar areas and that PLC uses will be coordinated with fixed use of the band; therefore, we find that lifting the aeronautical limitation will not harm the nation's power network.

30. WRC-95 also adopted international footnote 5.155B, which limits most fixed use of the band 21870-21924 kHz to the provision of services related to aircraft flight safety. The band 21850-21924 kHz is U.S. Government/non-U.S. Government shared spectrum that is allocated to the fixed service on a primary basis. In the *Notice*, the Commission proposed not to adopt domestically the limitations of 5.155B because the Federal Aviation Administration ("FAA") has indicated that it does not intend to implement an aircraft safety service in this band and because there was no apparent domestic support for the adoption of this international footnote.⁶³ Accordingly, we will not implement footnote 5.155B domestically, but will maintain the footnote in the International Table for informational purposes.

F. Amateur Service

31. In the *Notice*, the Commission proposed to delete international footnote 5.120 and Section 97.401(b) from the Rules.⁶⁴ These rule sections reference ITU Resolution No. 640,⁶⁵ which invited administrations to provide for the needs of international disaster communications and for the needs of emergency communications within their national regulations using certain amateur bands.⁶⁶ However, WRC-97 and WRC-2000 deleted Resolution 640 and international footnote 5.120, respectively.⁶⁷ No commenter addressed this proposal.

32. Because ITU Resolution No. 640 and international footnote 5.120 have been removed from the *ITU Radio Regulations*, we will delete footnote 5.120 and Section 97.401(b), from our Rules. We do not think this will have an impact on the amateur service emergency communications because Sections 97.111(a)(1)⁶⁸ and 97.101(c)⁶⁹ of our Rules allow amateur stations to communicate with foreign stations in disaster areas, making the provisions based on the former ITU Resolution No. 640 unnecessary.

⁶² See *Notice, supra* at 2747

⁶³ *Id.*

⁶⁴ *Id.*, at 2748

⁶⁵ See *WARC-97 Final Acts* at p. 837

⁶⁶ International footnote 5.120 lists the amateur bands that are to be used in the event of natural disaster: 3500 kHz, 7000 kHz, 10100 kHz, 14000 kHz, 18068 kHz, 21000 kHz, 24890 kHz, and 144000 kHz.

⁶⁷ See *WRC-2000 Final Acts* at p. 7

⁶⁸ 47 C.F.R. § 97.111(a)(1) reads as follows: "(a) An amateur station may transmit the following types of two-way communications: (1) Transmissions necessary to exchange messages with other stations in the amateur service, except those in any country whose administration has given notice that it objects to such communications. The FCC will issue public notices of current arrangements for international communications."

⁶⁹ 47 C.F.R. § 97.101(c) reads as follows: "At all times and on all frequencies, each control operator must give priority to stations providing emergency communications, except to stations transmitting communications for training drills and tests in RACES."

G. Frequencies Available for Forest Products Licensees

33. In the *Notice*, the Commission pointed out that the band 27540-28000 kHz is **U.S.** Government exclusive spectrum that **is** allocated to the fixed and mobile services, except that footnote US298 permits limited non-U.S. Government use by forest product licensees in certain geographic areas on channels 27555 kHz, 27615 kHz, 27635 kHz, 27655 kHz, 27765 kHz, and 27860 kHz. The Commission proposed to make editorial revisions to footnote US298 to conform to *Pari 90* terminology for mobile operations and to add the frequencies listed in the footnote to **the** Industrial/Business Radio Pool Frequency Table in Section 90.35.⁷⁰ No commenter addressed the proposal regarding footnote US298.

34. We are revising footnote US298 to agree with terminology now used in *Pari 90* of our Rules and we are adding the frequencies indicated in the footnote to the Industrial/Business Radio Pool Frequency Table in Section 90.35, with an appropriate note describing the limited use that is permitted. This action will not change any regulatory requirements, **but** merely makes our Rules easier to understand. The revised footnote US298 reads as follows:

US298 Channels 27555 kHz, 27615 kHz, 27635 kHz, 27655 kHz, 27765 kHz, and 27860 kHz are available for use by forest product licensees on a secondary basis to U.S. Government operations including experimental stations. Non-U.S. Government operations on these channels will not exceed 150 watts output power and are limited **to** the states of Washington, Oregon, Maine, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas (eastern portion).

H. Ministerial Conforming Amendments

35. In the *Notice*, the Commission proposed numerous non-substantive actions to update and correct the U.S. Table with regards to frequency allocations below 28000 kHz.⁷¹ The Commission also proposed to make various editorial changes to U.S. footnotes *to* conform to previous decisions and to update the material in certain rule parts. The purpose of these proposed actions is to remove unnecessary material from the Rules and to reflect WRC-2000 Final Acts with regard to the International Table of Frequency Allocations within the Rules. We note that no commenter addressed the proposals for non-substantive changes to the U.S. Table.

36. We are adopting our proposal to remove international footnote 5.60 from the bands 70-90 kHz and 110-130 kHz because this footnote addresses a limitation on an allocation that was never made domestically. Further, we are adopting our proposal to remove the superfluous international footnote 5.80 from the band 415-435 kHz because it addresses limitations that do not apply to this band. We are also adopting our proposal to delete the secondary direct U.S. Table allocation for the space research service in the band 19990-19995 kHz because this allocation is also contained in footnote G106, which was recently added to the band 19990-20010 kHz.⁷² This action is being taken to correct a typographical error made in previous updates of the U.S. Table in the frequency band 19990-19995 kHz. We are also adopting our proposal to update footnote US82 by deleting maritime channels that were reallocated for other purposes in 1991, thus indicating clearly the channels that are available for ship and coast station operations.

⁷⁰ See *Notice, supra* at 2748.

⁷¹ See 47 C.F.R. § 2.106.

⁷² This footnote was added to the band in 1998. See Letter from Acting Associate Administrator, Office of Spectrum Management, NTIA, to Chief, Office of Engineering and Technology, FCC, received September 24, 1998.

37. Further, we are adopting our proposal to add an informational note to Section 90.35 stating that the use of frequencies 25120 kHz, 25140 kHz, 25160 kHz, 25180 kHz, and 25200 kHz is on a secondary basis to stations in the maritime mobile service (Pan 80). In footnote US281, we are changing the band “25.07-25.11 MHz” to “25070-25210 kHz” and are updating “industrial radio service” and “Forest Products Radio Service” to “Industrial/Business Pool.” Therefore, footnote US281, as revised in the previous statement, reads as follows:

US281 In the band 25070-25210 kHz, non-U.S. Government stations in the Industrial/Business Pool shall not cause harmful interference to, and must accept interference from, stations in the maritime mobile service operating in accordance with the International Table of Frequency Allocations.

Limitation 9 in 47 C.F.R. § 90.35 states this fact about footnote US281 and is now added to the frequencies 25120 kHz, 25140 kHz, 25160 kHz, 25180 kHz, and 25200 kHz.

38. Additionally, we are adopting our proposal to update rule part cross references in the U.S. Table; specifically deleting approximately 50 cross references to the International Fixed Public Radiocommunication Services (“IFPRS”) that no longer exists. Finally, we are adopting the proposal to update 18 international country footnotes for informational purposes because they do not apply to Region 2.⁷³

111. PROCEDURAL MATTERS

A. Final Regulatory Flexibility Analysis

39. The Final Regulatory Flexibility Analysis, required by the Regulatory Flexibility Act,” is contained in Appendix A.

B. Final Paperwork Reduction Act of 1995 Analysis

40. This Report & Order contains an information collection subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It has been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection contained in this proceeding.

C. Further Information

41. For additional information concerning this Report and Order, contact the Office of Engineering and Technology - Shameeka Parrott at 202-418-2062, or via the Internet at sparrott@fcc.gov.

V. ORDERING CLAUSES

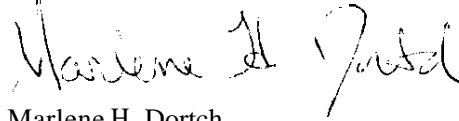
42. Accordingly, IT IS ORDERED that pursuant to Sections 1, 4, 301, and 303, of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154, 301, and 303, this Report and Order and the rules specified in Appendix B ARE ADOPTED.

⁷³ See Notice, *supra* at 2749-50

⁷⁴ See 5 U.S.C. § 604.

43. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Marlene H. Dortch", is written over the printed name.

Marlene H. Dortch
Secretary